

Message Text

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ACTION COME-00

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FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 0053

C O N F I D E N T I A L PORT OF SPAIN 3157

PASS USDOC AND CUSTOMS

E.O. 11652: GDS

TAGS: BDIS, TD

SUBJECT: TRADE COMPLAINT: MCCLELLAND SOUND, INC.

VS. UNIVERSAL ELECTRONICS

REF: USDOC MEMO OF NOVEMBER 23, 1976

1. UNIVERSAL ELECTRONICS IS KNOWN TO EMBASSY, BOTH THROUGH CUSTOMS INVESTIGATION AND PERSONAL CONTACT BETWEEN ECONOFF AND COMPANY'S PRINCIPAL, KENNY BISSONDATH. PARTLY BECAUSE OF INFORMATION DEVELOPED BY US CUSTOMS BUREAU AND PARTLY BECAUSE THIS DID NOT SQUARE WITH STORY BISSONDATH TOLD ECONOFF, WE DO NOT CONSIDER HIM TRUSTWORTHY.

2. NORMALLY, EMBASSY'S ADVICE TO MCCLELLAND WOULD BE TO HIRE LOCAL ATTORNEY TO UNDERTAKE COLLECTION OF DEBTS. IN THIS CASE, HOWEVER, EMBASSY BELIEVES THAT INITIATING LEGAL ACTION IN TRINIDAD MIGHT BE UNWISE BECAUSE CUSTOMS INVESTIGATION COVERS SUBSTANTIAL UNDERINVOICING OF PRECISELY THOSE GOODS ON WHICH MCCLELLAND IS NOW TRYING TO COLLECT. WE DOUBT LOCAL COURTS WOULD AWARD PAYMENT ABOVE INVOICE VALUE REPORTED TO CUSTOMS. FURTHERMORE, MCCLELLAND MIGHT FIND ITSELF INVOLVED IN LEGAL PROCEEDINGS HERE AS AN ACCESSORY TO FRAUD.

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3. MOST IF NOT ALL OF GOODS HAVE BEEN IMPOUNDED BY CUSTOMS. EMBASSY HAS CONTACTED COMMISSIONER OF CUSTOMS AND EXCISE AND INQUIRED AS TO POSSIBILITY THAT MCCLELLAND MIGHT REPOSSESS MERCHANDISE. WE WERE TOLD THAT MCCLELLAND MAY PETITION FOR RETURN OF GOODS ON GROUNDS IT NOT PAID FOR. PETITION SHOULD BE ADDRESSED TO HIS EXCELLENCY ELLIS CLARKE, PRESIDENT, REPUBLIC OF TRINIDAD AND TOBAGO, WHO HAS SOLE LEGAL AUTHORITY TO RELEASE IMPOUNDED MERCHANDISE. COMMISSIONER MADE PLAIN, HOWEVER, THAT GOTT WOULD EXPECT COOPERATION IN ITS INVESTIGATION AS QUID PRO QUO FOR RELEASING MERCHANDISE.

4. BECAUSE GOODS CANNOT BE RESOLD, IT IS UNLIKELY THAT BISSONDATH COULD AFFORD TO PAY FOR THEM IF HE WANTED TO. UNDER CIRCUMSTANCES, EMBASSY'S ADVICE WOULD BE FOR MCCLELLAND TO PROCEED AS ABOVE AND COOPERATE WITH TRINIDAD CUSTOMS AUTHORITIES IN THIS MATTER.
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